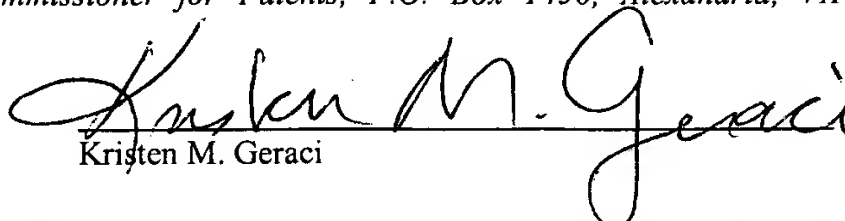# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Kristen M. Geraci

Applicant	:	Michael L. Obradovich	Confirmation No. 6778
Application No.	:	09/699,031	
Filed	:	October 27, 2000	
Title	:	SYSTEM AND METHOD FOR USER NAVIGATION	
Grp./Div.	:	2162	
Examiner	:	Baoquoc N. To	
Customer No.	:	56317	
Docket No.	:	40985/C685	

SUBMISSION OF REPLY TO EXAMINER'S ANSWER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
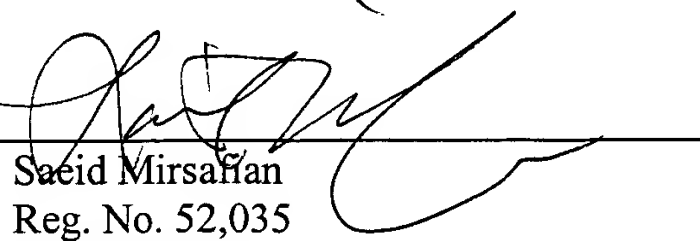Pasadena, CA 91109-7068
February 20, 2007

Commissioner:

Enclosed for filing is a reply to the Examiner's Answer mailed December 19, 2006.

The Commissioner is hereby authorized to charge any further fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP
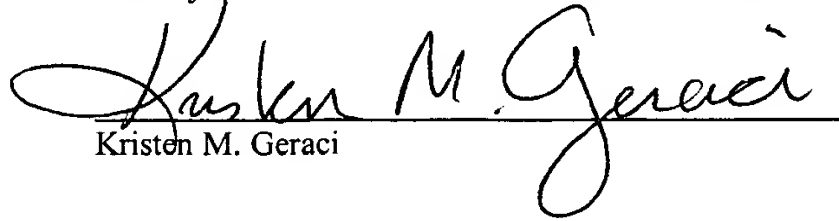
By Saeid Mirsafian
Reg. No. 52,035
626/795-9900

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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REPLY BRIEF

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Commissioner:

This is a Reply Brief filed in response to Examiner's Answer, dated December 19, 2006.

I.   <u>STATUS OF CLAIMS</u>

Claims 1 and 2 are under appeal.

II.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Knockeart et al., U.S. patent No. 6,680,695.

III.   ARGUMENTS

Claim 1 specifies "determining, by the personal computer device using its GPS receiver, a location at which the personal computer device becomes relatively immobile." Claim 1 further specifies "receiving, by the personal computer device, information regarding the location at which the personal computer device becomes relatively immobile from the server." Applicant submits that Knockeart fails to disclose or suggest these limitation of claim 1.

The Examiner asserts in the Examiner's Answer that determining a location at which the personal computer device becomes relatively immobile "encompassing stopping the location along the road trip, each time the vehicle stop (i.e., relatively immobile) the GPS send the stopping location or the estimate location of the vehicle to the server." (Examiner's Answer, page 6, Emphasis added). In making such an assertion, the Examiner refers to col. 21, lines 32-42 of Knockeart, which states the following:

> The in-vehicle system also determines the vehicle's initial location or data related to the vehicle's initial location, and in some versions of the system the orientation of the vehicle (line 1503). The location or location-related data includes one or more of (a) a GPS location estimate or pseudorange measurements obtained at the time that the navigation request is being made, (b) past GPS-based location estimates, and (c) dead-reckoning from previous GPS-based location estimates or from maneuver locations. Starting location estimation is discussed further below (see Section 3.2.2)

(Emphasis added).

The Examiner then refers to col. 27, lines 35-38, in section 3.2.2 of Knockeart, which states the following:

> The in-vehicle system sends to the server system either an estimate of its position, or sends raw GPS data from its GPS receiver from which the server system computes the vehicle's position (line 1503, FIG. 15A).

Contrary to the Examiner's assertion, the in-vehicle system of Knockeart does not send the vehicle location to the server each time the vehicle of Knockeart stops. Referring to FIG. 15A of Knockeart, the in-vehicle system of Knockeart determines current location information (line 1503) <u>upon</u> a destination specification being entered by an operator (line 1502). The current location information is then transmitted to the server (line 1505).

The Examiner further asserts in the Examiner's Answer that "the claim limitations do not limit stopping locations of the traveling route (which all travelers often do) nor negate any involvement of the operator; however, the scope of the claim encompassing the teaching of Knockeart." (Examiner's Answer, page 9)

Applicant respectfully disagrees because claim 1 explicitly specifies "determining, <u>by the personal computer device using its GPS receiver</u>, a location at which the personal computer device becomes relatively immobile." Accordingly, claim 1 specifies the determining of the location at which the personal computer device becomes relatively immobile is performed by the personal computer device using its GPS receiver.

Furthermore, Applicant submits that neither the operator of Knockeart nor the in-vehicle system of Knockeart determines the location at which the in-vehicle system of Knockeart becomes relatively immobile. As discussed above regarding Knockeart, the location of the in-vehicle system is sent to the server upon an operator requesting route or navigation information. Thus, the decision of the operator of Knockeart to receive route information has no relevance on the mobility of the vehicle of Knockeart. The in-vehicle system simply maintains a GPS location of the in-vehicle system, which is sent to the server system if the operator requests route information.

Therefore, Applicant submits that Knockeart does not disclose or suggest "determining, <u>by the personal computer device using its GPS receiver</u>, a location at which the personal computer device becomes relatively immobile" as specified in claim 1.

Applicant further submits that Knockeart does not disclose any system, method or criteria by which a determination is made as to the location at which the in-vehicle system becomes relatively immobile. The Examiner asserts that "relatively immobile" refers to a condition where the vehicle has stopped. However, the Examiner has ignored the word "becomes" that precedes "relatively immobile" in claim 1.

Applicant submits that determining the location at which "the personal computer device becomes relatively immobile" requires: a) determining that the personal computer system has transitioned to a relatively immobile state from a mobile state, and b) determining the location at which the relatively immobile state occurs. Thus, the word "becomes" as specified in claim 1 concerns the determination that the personal computer system has transitioned from a mobile state to an immobile state. Without making such a determination, one cannot determine a location where the relative immobility of the personal computer device occurs.

In contrast, and as explained above, the in-vehicle system of Knockeart does not disclose or suggest any system, method or criteria by which a determination is made as to the location where the in-vehicle system becomes relatively immobile.

Claim 1 further specifies "requesting, by the personal computer device, that the server store the information regarding the location at which the personal computer device becomes relatively immobile in a database associated with a user of the personal computer device." In contrast, Knockeart does not disclose or suggest this limitation of claim 1.

The Examiner asserts that Knockeart "teaches each planned route is saved to the server system including the starting location, stopping location and the destinations. Each stopping location will be updated and stored in the server system." (Examiner's Answer, pages 10-11). However, claim 1 specifies "requesting, by the personal computer device, that the server store the information regarding the location at which the personal computer device becomes relatively immobile in a database associated with a user of the personal computer device." Knockeart does

not disclose that such a request can be made by the in-vehicle system. Knockeart states the
following at col. 42, lines 31-35:

> using the remote configuration system, users of the navigation system can modify
> their records in user profiles 2232 that are stored at the server system. A user's
> profile is downloaded by the server system to the in-vehicle system in that user's
> vehicle, or can alternatively be stored on the server system.

(Emphasis added)

As indicated by the above-quoted section of Knockeart, user profiles are stored on the
server and are accessible and can be modified by a remote configuration system. However, as
shown in FIG. 22 of Knockeart, the remote configuration system is part of the server system. In
the Examiner's Answer, the Examiner has not shown that the in-vehicle system of Knockeart can
request the server system to store any information regarding the user's profiles, which are stored
on the server system. Rather, Knockeart discloses that user profiles that are stored on the server
are accessible and can be modified by a remote configuration system .

Furthermore, Knockeart does not disclose or suggest accessing the remote configuration
device by the in vehicle system. The only methods by which the remote configuration of
Knockeart can be accessed are disclosed at column 42, line 65 to column 43, line 2 as follows:

> the user can access the remote configuration system in a variety of ways,
> including over the Internet, and over a voice telephone connection interacting
> with an automatic speech recognition device at the server.

(Emphasis added).

There is no indication in Knockeart that the in-vehicle system can access the remote
configuration system to store information about the user on the server system. For example,
Knockeart discloses the following at column 42, lines 38-42:

> For instance, a user can specify a list of frequent destinations over the Internet,
> and then later in the vehicle choose a particular destination in that list by selecting
> from a display of the list by the in-vehicle system.

Knockeart further discloses at column 42, lines 61-65 the following regarding a user's
access to the remote configuration system:

A user also uses remote configuration system 2230 to input route planning requests. For instance, the user provides a destination specification to the remote configuration system and <u>the server system downloads a planned route to the destination prior to the user entering the vehicle</u>.
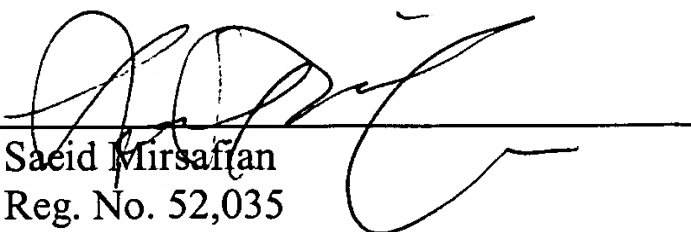
(Emphasis added).

According to the above-quoted portion of Knockeart, the user requests with the remote configuration device that the server store information about the user prior to the user entering the vehicle. Therefore, Knockeart does not disclose or suggest that the in-vehicle system can request the server to store information about the user on the server. Rather, the in-vehicle system of Knockeart can only download the user profile information from the server system.

For at least the foregoing reasons, Applicant submits the claim 1 dependent claim 2 are patentable over Knockeart.

Conclusion

In view of the foregoing arguments, it is clear that claim 1 and claim 2 of the present application are patentable over Knockeart. Accordingly, it is respectfully requested that the rejections of Appellant's claims under 35 U.S.C. § 102(e) be reversed.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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626/795-9900

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